

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LORI ANN YANCEY, ET AL.)	
)	
Plaintiffs,)	No. 3:04-cv-556
)	(CONSOLIDATED)
)	VARLAN/SHIRLEY
v.)	
)	
MARTY CARSON, ET AL.)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME WITHIN WHICH
TO FILE POTENTIALLY DISPOSITIVE MOTIONS, OR IN THE ALTERNATIVE,
FOR BRIEF CONTINUANCE OF TRIAL AND ALL PRE-TRIAL PROCEEDINGS

Come the Defendants, and respectfully move the Court for an extension of thirty (30) days within which to file potentially dispositive motions, or in the alternative, for a continuance of trial and all pre-trial proceedings, and as grounds therefore would show as follows.

Defendants are authorized to state that the Plaintiff does not object to Defendants' request.

Prior to commencing discovery, the parties agreed that it was necessary to first obtain the T.B.I. file regarding their investigation of this matter. This took a considerable time to accomplish. The depositions of the parties in this case were taken March 29-31, 2006. However, the transcripts of these depositions have not yet been received.

Prior to filing motions asserting, *inter alia*, qualified immunity, the parties envision taking the depositions of four persons who were present in or around the trailer on the evening the Plaintiff's decedent was shot. The Plaintiff also wishes to depose the T.B.I. agent who investigated this matter, and District Attorney General William Paul Phillips. The four persons

who are fact witnesses were all charged and/or convicted of manufacturing methamphetamine. These four persons will have to be located and subpoenaed to a deposition. That task will likely have to be accomplished through the use of a private investigator or other law enforcement agencies in multiple counties. With respect to the deposition of General Phillips, a representative from the State Attorney General's Office may wish to attend. The parties are trying to arrange for these depositions for April 28, 2006. However, it is uncertain whether all necessary arrangements can be made by that time. While not objecting to the requested extension, the Plaintiff would like to preserve the trial date of August 14, 2006, if possible. In an effort to accommodate the wishes of both Plaintiff and Defendants, at this time, Defendants initially request to extend only the deadline for filing potentially dispositive motions for thirty (30) days, or up to and including, May 17, 2006.

Defendants recognize that this request shortens the time for the Court to rule on the motion to just under ninety (90) days before trial. Should this request prove infeasible, either because of the Court's calendar or the ability of the parties to accomplish all necessary arrangements within the present time envisioned, in the alternative, Defendants request a brief continuance of all proceedings herein.

Respectfully submitted this 18th day of April, 2006.

MARTY CARSON, ET AL.

BY: /s/John C. Duffy
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

BY: /s/John C. Duffy